

AMENDED IN SENATE APRIL 27, 2009

**SENATE BILL**

**No. 512**

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**Introduced by Committee on Education (Senators Romero (Chair),  
Alquist, Hancock, Huff, Liu, Maldonado, Padilla, Simitian, and  
Wyland)**

February 26, 2009

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An act to amend Sections ~~44225.6, 44251, and 44259~~ 44221, 44225.6, 44251, 44259, 44332.5, 44421, 44422, 44426, 44830.7, 44853, 44856, 44917, 44980, 44987.3, 52127, and 52163 of the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Committee on Education. ~~Teacher credentialing. Education.~~

Existing law ~~requires~~ *establishes* the Commission on Teacher Credentialing to ~~annually report to the Legislature and the Governor on the availability of teachers in California, and requires the report to include specified information~~ *issue teaching and services credentials, and to establish standards for the issuance and renewal of credentials, certificates, and permits.*

This bill would ~~make technical, nonsubstantive changes to those provisions by conforming references to specified authorizations issued by the commission in that report. It would also clarify provisions relating to multiple or single subject teaching credentials by deleting obsolete references to 5th year of study and professional clear credentials~~ *update references to the commission. The bill would also update cross-references, delete obsolete provisions, and would make other technical, nonsubstantive changes.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 44221 of the Education Code is amended*  
2     *to read:*

3     44221. The commission may employ ~~such~~ personnel as ~~may~~  
4     be necessary to carry out its duties and responsibilities. The staff  
5     of the commission shall be subject to ~~the relevant system and~~  
6     ~~procedures of the state civil service. The provisions~~ *the provisions*  
7     of the State Civil Service Act contained in Part 2 (commencing  
8     with Section 18500) of Division 5 of Title 2 of the Government  
9     Code ~~shall apply to such personnel.~~

10    All ~~such~~ persons, other than temporary employees, serving in  
11    the state civil service and engaged in the performance of a function  
12    transferred to the Commission ~~for Teacher Preparation and~~  
13    ~~Licensing on Teacher Credentialing~~ or engaged in the  
14    administration of a law, the administration of which is transferred  
15    to the commission, shall remain in the state civil service and may  
16    request transfer to the commission or remain with the ~~Department~~  
17    ~~of Education~~ *department* on the effective date of this section. The  
18    status, position, and rights of any ~~such~~ person shall not be affected  
19    by his *or her* transfer and shall continue to be retained ~~by him~~  
20    pursuant to the State Civil Service Act, except as to positions the  
21    duties of which are vested in a position that is exempt from civil  
22    service.

23    ~~SECTION 1.~~

24    *SEC. 2. Section 44225.6 of the Education Code is amended to*  
25    *read:*

26    44225.6. (a) By April 15 of each year, the commission shall  
27    report to the Legislature and the Governor on the availability of  
28    teachers in California. This report shall include the following  
29    information:

30    (1) The number of individuals recommended for credentials by  
31    institutions of higher education and each type of credential,  
32    certificate, or authorization for which they were recommended,  
33    including authorizations issued pursuant to Sections 44253.3 and  
34    44253.4.

1 (2) The number of individuals recommended by school districts  
2 operating district internship programs and each type of credential,  
3 certificate, or ~~authorizations~~ *authorization* for which they were  
4 recommended, including ~~authorization~~ *authorizations* issued  
5 pursuant to Sections 44253.3 and 44253.4.

6 (3) The number of individuals receiving an initial credential  
7 based on a program completed outside of California and each type  
8 of credential, certificate, or authorization for which they were  
9 recommended, including authorizations issued pursuant to Sections  
10 44253.3 and 44253.4.

11 (4) The number of individuals receiving an emergency permit,  
12 credential waiver, or other authorization that does not meet the  
13 definition of a highly qualified teacher under the federal No Child  
14 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

15 (5) The number of individuals receiving the certificate of  
16 completion of staff development in methods of specially designed  
17 content instruction delivered in English pursuant to subdivision  
18 (d) of Section 44253.10 and, separately, pursuant to paragraph (1)  
19 of subdivision (e) of Section 44253.11.

20 (6) Statewide, by county, and by school district, the number of  
21 individuals serving in the following capacities and as a percentage  
22 of the total number of individuals serving as teachers statewide,  
23 in the county, and in the school district:

24 (A) University internship.

25 (B) District internship.

26 (C) Preinternship.

27 (D) Emergency permit.

28 (E) Credential waiver.

29 (F) Preliminary or clear credential.

30 (G) An authorization, other than those listed in this paragraph,  
31 that does not meet the definition of a highly qualified teacher under  
32 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
33 et seq.) by category of authorization.

34 (H) ~~Authorization~~ *An authorization* issued pursuant to Section  
35 44253.3.

36 (I) Certificates or authorizations issued pursuant to Section  
37 44253.3, 44253.4, 44253.10, or 44253.11, if available.

38 (J) The number of individuals serving English learner pupils in  
39 settings calling for English language development, in settings  
40 calling for specially designed academic instruction in English, or

1 in primary language instruction, without the appropriate  
2 authorization under Section 44253.3, 44253.4, 44253.10, or  
3 44253.11, or under another statute, if available. The ~~Commission~~  
4 ~~on Teacher Credentialing~~ *commission* may utilize data from the  
5 department's Annual Language Census Survey to report the data  
6 required pursuant to this paragraph.

7 (7) The specific subjects and teaching areas in which there are  
8 a sufficient number of new holders of credentials to fill the  
9 positions currently held by individuals with emergency permits.

10 (b) The commission shall make this report available to school  
11 districts and county offices of education to assist them in the  
12 recruitment of credentialed teachers and shall make the report and  
13 supporting data publicly available on the commission's Web site.

14 (c) A common measure of whether teacher preparation programs  
15 are meeting the challenge of preparing increasing numbers of new  
16 teachers is the number of teaching credentials awarded. The number  
17 of teaching credentials recommended by these programs and  
18 awarded by the commission are indicators of the productivity of  
19 teacher preparation programs. The commission shall include in  
20 the report prepared for the Legislature and Governor pursuant to  
21 subdivision (a) the total number of teaching credentials  
22 recommended by all accredited teacher preparation programs  
23 authorized by the commission and the number recommended by  
24 each of the following:

25 (1) The University of California system.

26 (2) The California State University system.

27 (3) Independent colleges and universities that offer teacher  
28 preparation programs approved by the commission.

29 (4) Other institutions that offer teacher preparation programs  
30 approved by the commission.

31 ~~SEC. 2.~~

32 *SEC. 3.* Section 44251 of the Education Code is amended to  
33 read:

34 44251. (a) The period for which a credential, as authorized  
35 under Section 44250 issued prior to September 1, 1985, is valid  
36 shall be as follows:

37 (1) For an internship credential: two years.

38 (2) For a preliminary credential, pending completion of the clear  
39 credential program: five years.

40 (3) For a life credential: the life of the holder.

(b) The period for which a credential issued on or after September 1, 1985, as authorized under Section 44250 is valid, shall be as follows:

(1) For an internship credential: two years.

(2) For a preliminary credential, pending completion of a beginning teacher induction program approved by the commission or the clear credential program: five years.

(3) For a clear teaching credential: the life of the holder, if the holder submits an application and fee for renewal every five years and meets all professional fitness requirements under Sections 44339, 44340, and 44341.

(4) For a clear services credential: the life of the holder, if the holder submits an application and fee for renewal every five years and meets all professional fitness requirements under Sections 44339, 44340, and 44341.

~~SEC. 3.~~

*SEC. 4.* Section 44259 of the Education Code is amended to read:

44259. (a) Except as provided in subparagraphs (A) and (C) of paragraph (3) of subdivision (b), each program of professional preparation for multiple or single subject teaching credentials shall not include more than one year of, or the equivalent of one-fifth of a five-year program in, professional preparation.

(b) The minimum requirements for the preliminary multiple or single subject teaching credential are all of the following:

(1) A baccalaureate degree or higher degree from a regionally accredited institution of postsecondary education. Except as provided in subdivision (c) of Section 44227, the baccalaureate degree shall not be in professional education. The commission shall encourage accredited institutions to offer undergraduate minors in education and special education to students who intend to become teachers.

(2) Passage of the state basic skills examination that is developed and administered by the commission pursuant to Section 44252.5.

(3) Satisfactory completion of a program of professional preparation that has been accredited by the committee on accreditation on the basis of standards of program quality and effectiveness that have been adopted by the commission. In accordance with the commission's assessment and performance standards, each program shall include a teaching performance

1 assessment as set forth in Section 44320.2 which is aligned with  
2 the California Standards for the Teaching Profession. The  
3 commission shall ensure that each candidate recommended for a  
4 credential or certificate has demonstrated satisfactory ability to  
5 assist pupils to meet or exceed state content and performance  
6 standards for pupils adopted pursuant to subdivision (a) of Section  
7 60605. Programs that meet this requirement for professional  
8 preparation shall include any of the following:

9 (A) Integrated programs of subject matter preparation and  
10 professional preparation pursuant to subdivision (a) of Section  
11 44259.1.

12 (B) Postbaccalaureate programs of professional preparation,  
13 pursuant to subdivision (b) of Section 44259.1.

14 (C) Internship programs of professional preparation, pursuant  
15 to Section 44321, Article 7.5 (commencing with Section 44325),  
16 Article 11 (commencing with Section 44380), and Article 3  
17 (commencing with Section 44450) of Chapter 3.

18 (4) Study of alternative methods of developing English language  
19 skills, including the study of reading as described in subparagraphs  
20 (A) and (B), among all pupils, including those for whom English  
21 is a second language, in accordance with the commission's  
22 standards of program quality and effectiveness. The study of  
23 reading shall meet the following requirements:

24 (A) Commencing January 1, 1997, satisfactory completion of  
25 comprehensive reading instruction that is research-based and  
26 includes all of the following:

27 (i) The study of organized, systematic, explicit skills including  
28 phonemic awareness, direct, systematic, explicit phonics, and  
29 decoding skills.

30 (ii) A strong literature, language, and comprehension component  
31 with a balance of oral and written language.

32 (iii) Ongoing diagnostic techniques that inform teaching and  
33 assessment.

34 (iv) Early intervention techniques.

35 (v) Guided practice in a clinical setting.

36 (B) For the purposes of this section, "direct, systematic, explicit  
37 phonics" means phonemic awareness, spelling patterns, the direct  
38 instruction of sound/symbol codes and practice in connected text  
39 and the relationship of direct, systematic, explicit phonics to the  
40 components set forth in clauses (i) to (v), inclusive.

1 A program for the multiple subjects credential also shall include  
2 the study of integrated methods of teaching language arts.

3 (5) Completion of a subject matter program that has been  
4 approved by the commission on the basis of standards of program  
5 quality and effectiveness pursuant to Article 6 (commencing with  
6 Section 44310) or passage of a subject matter examination pursuant  
7 to Article 5 (commencing with Section 44280). The commission  
8 shall ensure that subject matter standards and examinations are  
9 aligned with the state content and performance standards for pupils  
10 adopted pursuant to subdivision (a) of Section 60605.

11 (6) Demonstration of a knowledge of the principles and  
12 provisions of the Constitution of the United States pursuant to  
13 Section 44335.

14 (7) Commencing January 1, 2000, demonstration, in accordance  
15 with the commission's standards of program quality and  
16 effectiveness, of basic competency in the use of computers in the  
17 classroom as determined by one of the following:

18 (A) Successful completion of a commission-approved program  
19 or course.

20 (B) Successful passage of an assessment that is developed,  
21 approved, and administered by the commission.

22 (c) The minimum requirements for the clear multiple or single  
23 subject teaching credential shall include all of the following  
24 requirements:

25 (1) Possession of a valid preliminary teaching credential, as  
26 prescribed in subdivision (b), possession of a valid equivalent  
27 credential or certificate, or completion of equivalent requirements  
28 as determined by the commission.

29 (2) Subject to the availability of funds in the annual Budget Act  
30 to provide statewide access to eligible beginning teachers, as  
31 defined in subdivision (d) of Section 44279.1 and except as  
32 provided in paragraph (3), completion of a program of beginning  
33 teacher induction, including one of the following:

34 (A) A program of beginning teacher support and assessment  
35 approved by the commission and the Superintendent pursuant to  
36 Section 44279.1, a provision of the Marian Bergeson Beginning  
37 Teacher Support and Assessment System.

38 (B) An alternative program of beginning teacher induction that  
39 is provided by one or more local educational agencies and has  
40 been approved by the commission and the Superintendent on the

1 basis of initial review and periodic evaluations of the program in  
2 relation to appropriate standards of credential program quality and  
3 effectiveness that have been adopted by the commission, the  
4 Superintendent, and the state board pursuant to this subdivision.  
5 The standards for alternative programs shall encourage innovation  
6 and experimentation in the continuous preparation and induction  
7 of beginning teachers. Any alternative program of beginning  
8 teacher induction that has met state standards pursuant to this  
9 subdivision may apply for state funding pursuant to Sections  
10 44279.1 and 44279.2.

11 (C) An alternative program of beginning teacher induction that  
12 is sponsored by a regionally accredited college or university, in  
13 cooperation with one or more local school districts, that addresses  
14 the individual professional needs of beginning teachers and meets  
15 the commission's standards of induction. The commission shall  
16 ensure that preparation and induction programs that qualify  
17 candidates for professional credentials extend and refine each  
18 beginning teacher's professional skills in relation to the California  
19 Standards for the Teaching Profession and the standards of pupil  
20 performance adopted pursuant to Section 60605.

21 (3) (A) If a candidate satisfies the requirements of subdivision  
22 (b), including completion of an accredited internship program of  
23 professional preparation, and if that internship program fulfills  
24 induction standards and is approved as set forth in this subdivision,  
25 the commission shall determine that the candidate has fulfilled the  
26 requirements of paragraph (2).

27 (B) If an approved induction program is verified as unavailable  
28 to a beginning teacher, or if the beginning teacher is required under  
29 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
30 et seq.) to complete subject matter coursework to be qualified for  
31 a teaching assignment, the commission shall accept completion of  
32 an approved clear credential program after completion of a  
33 baccalaureate degree at a regionally accredited institution as  
34 fulfilling the requirements of paragraph (2). The commission shall  
35 adopt regulations to implement this subparagraph.

36 (4) Experience that includes the application of knowledge and  
37 skills previously acquired in a preliminary credential program, in  
38 accordance with commission standards, that addresses the  
39 following:



1 (A) Health education, including study of nutrition,  
2 cardiopulmonary resuscitation, and the physiological and  
3 sociological effects of abuse of alcohol, narcotics, and drugs and  
4 the use of tobacco. Training in cardiopulmonary resuscitation shall  
5 also meet the standards established by the American Heart  
6 Association or the American Red Cross.

7 (B) Field experience in methods of delivering appropriate  
8 educational services to pupils with exceptional needs in regular  
9 education programs.

10 (C) Advanced computer-based technology, including the uses  
11 of technology in educational settings.

12 (d) The commission shall develop and implement standards of  
13 program quality and effectiveness that provide for the areas of  
14 application listed in subparagraphs (A) to (C), inclusive, of  
15 paragraph (4) of subdivision (c), starting in professional preparation  
16 and continuing through induction.

17 (e) A credential that was issued prior to January 1, 1993, shall  
18 remain in force as long as it is valid under the laws and regulations  
19 that were in effect on the date it was issued. The commission may  
20 not, by regulation, invalidate an otherwise valid credential, unless  
21 it issues to the holder of the credential, in substitution, a new  
22 credential authorized by another provision in this chapter that is  
23 no more restrictive than the credential for which it was substituted  
24 with respect to the kind of service authorized and the grades,  
25 classes, or types of schools in which it authorizes service.

26 (f) A credential program that is approved by the commission  
27 may not deny an individual access to that program solely on the  
28 grounds that the individual obtained a teaching credential through  
29 completion of an internship program when that internship program  
30 has been accredited by the commission.

31 (g) Notwithstanding this section, persons who were performing  
32 teaching services as of January 1, 1999, pursuant to the language  
33 of this section that was in effect prior to that date, may continue  
34 to perform those services without complying with any requirements  
35 that may be added by the amendments adding this subdivision.

36 (h) Subparagraphs (A) and (B) of paragraph (4) of subdivision  
37 (b) do not apply to any person who, as of January 1, 1997, holds  
38 a multiple or single subject teaching credential, or to any person  
39 enrolled in a program of professional preparation for a multiple  
40 or single subject teaching credential as of January 1, 1997, who

1 subsequently completes that program. It is the intent of the  
2 Legislature that the requirements of subparagraphs (A) and (B) of  
3 paragraph (4) of subdivision (b) be applied only to persons who  
4 enter a program of professional preparation on or after January 1,  
5 1997.

6 *SEC. 5. Section 44332.5 of the Education Code is amended to*  
7 *read:*

8 44332.5. (a) A school district ~~which~~ *that* may issue warrants  
9 pursuant to Section 42647 may, at its discretion, provide for the  
10 registration of ~~any~~ *a* valid certification or other document  
11 authorizing the holder ~~thereof~~ to serve in a position requiring  
12 certification qualifications as an employee of the school district.

13 (b) During any period when summary criminal history  
14 information is not available from the Federal Bureau of  
15 Investigation, ~~no~~ *an* applicant for an initial credential, certificate,  
16 or permit shall *not* be employed in a position requiring certification  
17 qualifications until he or she has met the minimum requirements  
18 for a temporary certificate of clearance. A temporary certificate  
19 of clearance or a credential, certificate, or permit authorizing  
20 service in the public schools shall be issued when the applicant  
21 has:

22 (1) Made full disclosure of all facts necessary to establish his  
23 or her true identity.

24 (2) Made a statement under penalty of perjury that he or she  
25 has not been convicted of a crime which would constitute grounds  
26 for the denial of the credential, permit, or certificate applied for.

27 An applicant shall not be required to disclose, and the Committee  
28 of Credentials shall not inquire into or consider, any acts or  
29 omissions not related to the applicant's fitness to teach or to  
30 perform other duties for which he or she is certificated, or ~~which~~  
31 *that* is related to his or her competence to perform the duties  
32 authorized by his or her credential.

33 (3) Paid to the Commission ~~for Teacher Preparation and~~  
34 ~~Licensing~~ *on Teacher Credentialing* the amount of twelve dollars  
35 (\$12) or the fees or costs which have been or will be assessed by  
36 the Federal Bureau of Investigation for the issuance of its summary  
37 criminal history of the applicant when this information is once  
38 again made available to the commission. The fees authorized by  
39 this paragraph shall be applicable to all credentials, permits, and  
40 certificates which were applied for or issued after October 1, 1981.

1 (c) Upon receipt of a statement from the Federal Bureau of  
2 Investigation that it has no summary criminal history information  
3 on the applicant, or upon receipt of the summary criminal history  
4 information and clearance by the Committee of Credentials, a  
5 temporary certificate of clearance shall be converted to a regular  
6 certificate of clearance.

7 *SEC. 6. Section 44421 of the Education Code is amended to*  
8 *read:*

9 44421. The Commission ~~for Teacher Preparation and Licensing~~  
10 *on Teacher Credentialing* shall privately admonish, publicly  
11 reprove, revoke or suspend for immoral or unprofessional conduct,  
12 or for persistent defiance of, and refusal to obey, the laws regulating  
13 the duties of persons serving in the public school system, or for  
14 any cause ~~which~~ *that* would have warranted the denial of an  
15 application for a credential or the renewal thereof, or for evident  
16 unfitness for service.

17 *SEC. 7. Section 44422 of the Education Code is amended to*  
18 *read:*

19 44422. Whenever the holder of ~~any~~ *a* credential issued by the  
20 State Board of Education or the Commission ~~for Teacher~~  
21 ~~Preparation and Licensing~~ *on Teacher Credentialing* is charged  
22 with immoral or unprofessional conduct or evident unfitness for  
23 service or persistent defiance of, and refusal to obey, the laws  
24 regulating the duties of his position, the commission in its  
25 discretion after notifying the person charged of its intention to do  
26 so, may require the county board of education of the county in  
27 which he is serving or has last served to give notice of, and  
28 conduct, a hearing of the charges in the manner prescribed by law  
29 for the hearing of charges for private admonition, or for the  
30 revocation or suspension of a certificate by a county board of  
31 education.

32 The county board of education, after the hearing, shall report to  
33 the commission its findings, and a summary of the evidence, and  
34 shall make a definite recommendation concerning the revocation  
35 or suspension of the credential.

36 Upon receipt of a copy of the findings, summary of evidence,  
37 and recommendation, the commission may privately admonish the  
38 holder of the credential, or suspend or revoke the credential for  
39 the causes stated, or order the charges dismissed.

1     *SEC. 8. Section 44426 of the Education Code is amended to*  
2     *read:*

3     44426. Whenever the holder of ~~any~~ a credential issued by the  
4     State Board of Education or the Commission ~~for Teacher~~  
5     ~~Preparation and Licensing on Teacher Credentialing~~ has been  
6     determined to be a sexual psychopath under the provisions of  
7     Article 1 (commencing with Section 6300) of Chapter 2 of Part 2  
8     of Division 6 of the Welfare and Institutions Code or under similar  
9     provisions of law of any other state, the commission shall forthwith  
10    suspend the credential. If the determination is reversed and the  
11    holder is determined not be a sexual psychopath in a new  
12    proceeding or the proceeding to determine whether he is a sexual  
13    psychopath is dismissed, the commission shall forthwith terminate  
14    the suspension of the credential. When the determination becomes  
15    final, the commission shall forthwith revoke the credential.

16    *SEC. 9. Section 44830.7 of the Education Code is amended to*  
17    *read:*

18    44830.7. Every contract for employment for a position requiring  
19    certification qualifications between a school district governing  
20    board and a person who possesses certification qualifications from  
21    another state shall provide that employment shall terminate upon  
22    notice by the Commission ~~for Teacher Preparation and Licensing~~  
23    ~~on Teacher Credentialing~~ to the district and the employee, that  
24    the employee does not have the necessary qualifications for the  
25    credential required by law for the position for which the service  
26    was rendered.

27    *SEC. 10. Section 44853 of the Education Code is amended to*  
28    *read:*

29    44853. The governing board of any school district, subject to  
30    the rules and regulations prescribed by the ~~State Board of Education~~  
31    ~~state board~~, may enter into an agreement with the proper authorities  
32    of any foreign country, or of any state, territory, or possession of  
33    the United States, or other district within the state, for the exchange  
34    and employment of regularly credentialed employees and  
35    employees of public schools of any foreign country, state, territory,  
36    or possession, or other district within this state. Any certificated  
37    person ~~so~~ employed as provided in this section shall be known as  
38    an “exchange certificated employee.” No exchange shall be made  
39    without the consent of the employee to be exchanged.

Due consideration shall be given to the general qualifications and professional status of the exchange employee as compared to the general qualifications and professional status of the employee for whom exchanged. However, it shall not be a requirement that an exchange certificated employee be a teacher of the same subject or grade, or both, as the employee for whom exchanged. If the service authorized is other than teaching, it shall not be a requirement that the service be at the same grade level or that the service be exactly the same as the employee for whom exchanged.

~~No~~  
A person ~~may~~ *shall not* be employed as an exchange employee by a school district in the state unless he *or she* holds the necessary valid credential or credentials issued by the Commission ~~for Teacher Preparation and Licensing on Teacher Credentialing~~ authorizing ~~him~~ *the person* to serve in a position requiring certification qualifications in the school district proposing to employ ~~him~~ *the person*. The commission may establish minimum standards for the credentials for exchange certificated employees, provided ~~however~~, that no exchange certificated employee shall be required to pay ~~any~~ a fee or other charge for the issuance to ~~him~~ of any necessary valid credential or credentials authorizing him *or her* to serve in a position requiring certification qualifications in any school district in this state.

An exchange agreement may be made for a period not to exceed three years.

At the end of the assignment period, the exchange, with the consent of all parties, may be made complete and permanent.

*SEC. 11. Section 44856 of the Education Code is amended to read:*

44856. The governing board of a school district ~~may~~, for the purposes of providing bilingual instruction, foreign language instruction, or cultural enrichment, in the schools of the district, subject to the rules and regulations of the ~~State Board of Education~~ *state board*, may conclude arrangements with the proper authorities of ~~any~~ a foreign country, or of ~~any~~ a state, territory, or possession of the United States, for the hiring of bilingual teachers employed in public or private schools of ~~any~~ a foreign country, state, territory, or possession. To be eligible for employment, the teacher must speak English fluently. Any persons ~~so~~ employed pursuant to this section shall be known as a “sojourn certificated employee.”

1     No

2     A person ~~may~~ *shall not* be hired as a sojourn certificate employee  
3 by a school district unless he *or she* holds the necessary valid  
4 credential or credentials issued by the Commission ~~for Teacher~~  
5 ~~Preparation and Licensing on Teacher Credentialing~~ authorizing  
6 ~~him~~ *the person* to serve in a position requiring certification  
7 qualifications in the school district proposing to employ him *or*  
8 *her*. ~~Such~~ The person may be employed ~~only~~ for a period not to  
9 exceed two years, except that thereafter ~~such~~ *the* period of  
10 employment may be extended from year to year for a total period  
11 of not more than five years upon verification by the employing  
12 district that termination of ~~such~~ *the* employment would adversely  
13 affect an existing bilingual or foreign language program or program  
14 of cultural enrichment, and that attempts to secure the employment  
15 of a certificated California teacher qualified to fill ~~such~~ *the* position  
16 have been unsuccessful. The commission shall establish minimum  
17 standards for the credentials for sojourn certificated employees.

18     SEC. 12. *Section 44917 of the Education Code is amended to*  
19 *read:*

20     44917. Except as provided in Sections 44888 and 44920,  
21 governing boards of school districts shall classify as substitute  
22 employees those persons employed in positions requiring  
23 certification qualifications, to fill positions of regularly employed  
24 persons absent from service.

25     After September 1 of any school year, the governing board of  
26 any school district may employ, for the remainder of the school  
27 year, in substitute status any otherwise qualified person who  
28 consents to be ~~so~~ employed in a position for which no regular  
29 employee is available, including persons retired for service under  
30 the State Teachers' Retirement System. Inability to acquire the  
31 services of a qualified regular employee shall be demonstrated to  
32 the satisfaction of the Commission ~~for Teacher Preparation and~~  
33 ~~Licensing on Teacher Credentialing~~.

34     Any person employed for one complete school year as a  
35 temporary employee shall, if reemployed for the following school  
36 year in a position requiring certification qualifications, be classified  
37 by the governing board as a probationary employee and the  
38 previous year's employment as a temporary employee shall be  
39 deemed one year's employment as a probationary employee for  
40 purposes of acquiring permanent status.

1     *SEC. 13. Section 44980 of the Education Code is amended to*  
2     *read:*

3     44980. Any certificated employee of any school district who  
4     accepts a position requiring certification qualifications in the office  
5     of any county superintendent of schools; or, any certificated  
6     employee of any county superintendent of schools who accepts a  
7     position requiring certification qualifications in a school district  
8     or office of another county superintendent of schools; or, any  
9     person employed by the ~~State Department of Education~~ *state*  
10    ~~department~~ in a position requiring certification qualifications or  
11    an employee of the office of the Chancellor of the California  
12    Community Colleges who accepts a position requiring certification  
13    qualifications in any school district or office of any county  
14    superintendent of schools; or, any certificated employee of the  
15    ~~Commission for Teacher Preparation and Licensing~~ *on Teacher*  
16    ~~Credentialing~~ who accepts a position requiring certification  
17    qualifications in any school district or office of any county  
18    superintendent of schools; shall have transferred with him *or her*  
19    to the second position his *or her* accumulated leave of absence for  
20    illness or injury. The amount of ~~such~~ leave to be transferred shall  
21    be determined in the same manner as provided in Section 44979.  
22    All other provisions of Section 44979 shall also apply to the  
23    employees and employers described in this section.

24    *SEC. 14. Section 44987.3 of the Education Code is amended*  
25    *to read:*

26    44987.3. (a) The governing board of a school district shall  
27    grant to any employee, upon request, a leave of absence without  
28    loss of any compensation for the purpose of enabling ~~such~~ *the*  
29    employee to serve on any of the following boards, commissions,  
30    committees, or groups, so long as the requirements of subdivision  
31    (b) are satisfied:

32    (1) Advisory Commission on Special Education, as provided  
33    for by Section 33590.

34    (2) ~~Advisory Committee~~ *committee* for ~~Child Care~~ *child care*  
35    ~~and development services~~, as provided for by ~~Chapter 2~~  
36    ~~(commencing with Section 8200) of Part 6 in Section 8286.~~

37    (3) ~~California Advisory Council on Vocational Education~~, as  
38    provided for by Section 8000.

39    (4) ~~California Commission on Crime Control and Violence~~  
40    ~~Prevention~~, as provided for by Section 14101 of the Penal Code.

- 1     ~~(5)~~  
2     (3) Curriculum Development and Supplemental Materials  
3     Commission, as provided for by Section 33530.  
4     ~~(6)~~  
5     (4) Educational Innovation and Planning Commission, as  
6     provided for by Section 33502.  
7     ~~(7)~~  
8     (5) Educational Management and Evaluation Commission, as  
9     provided for by Section 33550.  
10    ~~(8) Equal Educational Opportunities Commission, as provided~~  
11    ~~for by Section 33570.~~  
12    ~~(9) Instructional Television Advisory Commission, as provided~~  
13    ~~for by Sections 51872 and 51873.~~  
14    ~~(10) State Council of Educational Planning and Coordination,~~  
15    ~~as provided for by Section 21000.~~  
16    ~~(11)~~  
17    (6) Any other group, commission, or board authorized by statute;  
18    or commission or board, any of whose members are appointed by  
19    the Governor or the ~~State Board of Education~~ *state board*; whose  
20    purposes and activities are to further public education, exclusive  
21    of the ~~Commission for Teacher Preparation and Licensing on~~  
22    ~~Teacher Credentialing.~~  
23    (b) A leave of absence shall not be granted unless all the  
24    following requirements are satisfied:  
25    (1) Service is performed in the State of California.  
26    (2) The board, commission, committee, or group, in writing,  
27    informs the employee's district of ~~such~~ *the* service.  
28    (3) The board, commission, committee, or group agrees, prior  
29    to service, to reimburse the school district pursuant to subdivision  
30    (d).  
31    (c) The leave of absence shall be limited to 20 school days per  
32    school year.  
33    (d) Following the school district's payment of the employee for  
34    ~~such~~ *the* leave of absence, the school district shall be reimbursed  
35    by the board, commission, committee, or group ~~which~~ *that* the  
36    employee serves for the compensation paid to the employee's  
37    substitute and for actual administrative costs related to the leave  
38    of absence granted to the employee under this section, upon written  
39    request for ~~such~~ reimbursement by the school district.  
40    Reimbursement by the board, commission, committee, or group



1 shall be made within 10 days after its receipt of the school district's  
2 certification of payment of compensation to the employee and of  
3 payment of compensation to the employee's substitute.

4 (e) The leave of absence without loss of compensation provided  
5 for by this section is in addition to the release time without loss of  
6 compensation granted to representatives of an exclusive  
7 representative by subdivision (c) of Section 3543.1 of the  
8 Government Code and the leave of absence granted employees by  
9 Section 44987.

10 (f) As used in this section, "school district" also means a county  
11 superintendent of schools.

12 *SEC. 15. Section 52127 of the Education Code is amended to*  
13 *read:*

14 52127. (a) As a condition to receiving ~~any~~ *an* apportionment  
15 pursuant to Section ~~51726~~ 52126, school districts shall have a staff  
16 development program that requires ~~any~~ *a* certificated teacher who  
17 will provide direct instructional services for a class participating  
18 in the school district's class size reduction program to receive the  
19 appropriate training necessary to maximize the educational  
20 advantages of class size reduction. This training shall include, but  
21 not be limited to, methods for providing each of the following:

- 22 (1) Individualized instruction.  
23 (2) Effective teaching, including classroom management, in  
24 smaller classes.  
25 (3) Identifying and responding to pupil needs.  
26 (4) Opportunities to build on the individual strengths of pupils.  
27 (b) School districts may use funds currently received for staff  
28 development or funds received under this chapter to meet the  
29 requirements of this section.

30 *SEC. 16. Section 52163 of the Education Code is amended to*  
31 *read:*

32 52163. Unless the context otherwise requires, the definitions  
33 set forth in this section shall govern the construction of this article.

34 (a) "Basic bilingual education" is a system of instruction ~~which~~  
35 *that* builds upon the language skills of the pupil and ~~which~~ *that*  
36 consists of, but is not limited to, all of the following:

- 37 (1) A structured English language development component with  
38 daily instruction leading to the acquisition of English language  
39 proficiency, including English reading and writing skills.

(2) A structured primary language component with daily basic skills instruction in the primary language for the purpose of sustaining achievement in basic subject areas until the transfer to English is made.

As the pupil develops English language skills, the amount of instruction offered through English shall increase.

(b) “Bilingual-bicultural education” is a system of instruction ~~which~~ *that* uses two languages, one of which is English, as a means of instruction. It is a means of instruction ~~which~~ *that* builds upon and expands the existing language skills of each participating pupil, ~~which~~ *that* will enable the pupil to achieve competency in both languages.

This instruction shall include all of the following:

(1) Daily instruction in English language development ~~which~~ *that* shall include:

(A) Listening and speaking skills.

(B) Reading and writing skills; formal instruction in reading and writing of English shall be introduced when appropriate criteria are met.

(2) Language development in the pupil’s primary language, including oral and literacy skills.

(3) Reading in the pupil’s primary language.

(4) Selected subjects taught in the pupil’s primary language.

(5) Development of an understanding of the history and culture of California and the United States, as well as an understanding of customs and values of the cultures associated with the languages being taught.

(c) (1) “Experimental bilingual programs” are:

(A) Innovative programs ~~which~~ *that* are consistent with the provisions of this article, the requirements for bilingual teaching personnel pursuant to Section 52165, and the requirements for English language and primary language development pursuant to this section. ~~Such~~ *Innovative* programs may include new management approaches, greater emphasis on team teaching, or other appropriate improvements ~~which~~ *that* expand the learning opportunities of pupils of limited English proficiency. Unless waivers of code sections are required, projects approval of the *state* board is not required. A description of each ~~such~~ innovative program shall be included with the consolidated application for program funding and an annual evaluation of ~~such~~ *the* programs

1 shall be included in the multiple-funded program evaluation  
2 required pursuant to Section 33403.

3 (B) Planned variation programs for the purpose of comparing  
4 and improving language development programs for pupils of  
5 limited English proficiency. A primary focus shall be on  
6 appropriate instruction for pupils of limited English proficiency  
7 whose English skills are superior to their skills in their primary  
8 language.

9 A focus may also be placed upon situations in which the number  
10 of pupils who, in accordance with Section 52165, would be  
11 required to receive instruction pursuant to subdivision (a) or (b)  
12 of Section 52163, is substantially smaller than the census indicated  
13 for the previous year, in which case all pupils of limited English  
14 proficiency shall receive instruction through individual learning  
15 programs during the preparation of the district's proposal and the  
16 consideration of the proposal by the *state* board.—~~Such~~ The  
17 programs shall be authorized by the *state* board in up to 300  
18 classrooms in 1982–83 and up to 700 classrooms in 1983–84 and  
19 each school year thereafter in districts—~~which that~~ are representative  
20 of the state both geographically and by size. Not more than 30  
21 ~~such~~ classrooms in 1982–83 and 50 classrooms in 1983–84, ~~which~~  
22 ~~that~~ may or may not be in another school, shall be approved in any  
23 one district.—~~Such~~ The programs shall not result in segregation. For  
24 districts proposing a planned variation program, the staffing  
25 requirements of Section 52165 may be partially or totally waived  
26 by the *state* board provided that the district has an inadequate  
27 number of certified bilingual teachers, that certified bilingual  
28 teachers are not replaced, that present level of effort is not reduced,  
29 and that the proposed language development program is  
30 appropriate. For each participating classroom there shall be another  
31 similar classroom in the district—~~which that~~ has fully implemented  
32 and is in compliance with the other provisions of this article.

33 (2) Proposals for planned variation programs shall include, but  
34 need not be limited to:

35 (A) A clear statement of the purposes, goals, and objectives for  
36 planned variation programs and projected outcomes.

37 (B) A delineated management, staffing, and instructional plan.

38 (C) Pupil identification, diagnosis, and assessment procedures.

39 (D) Evidence of qualified bilingual and other instructional staff  
40 with demonstrated competence in language development, bicultural

1 or multicultural knowledge of participating pupils, and instructional  
2 methodologies.

3 (E) Documented parent and community participation and  
4 support.

5 (F) Use of state and federal funding, where applicable.

6 (G) Evaluation component ~~which~~ *that* controls for instructional  
7 treatments, instructional engaged time, staffing, pupil language  
8 characteristics, achievement, attendance, and related data.

9 (H) For purposes of this subdivision, if formal action upon a  
10 proposal for a planned variation program is not taken by the ~~State~~  
11 ~~Board of Education~~ *state board* on or before the second regular  
12 meeting of the *state board* following the receipt of a complete and  
13 documented proposal, the proposal shall be deemed approved for  
14 the remainder of the school year.

15 Proposals ~~which~~ *that* meet the requirements of this subdivision  
16 shall be approved by the *state board* in accordance with standards  
17 established in subdivision (b) of Section 52820.

18 Proposals may be approved annually for a second, third, or fourth  
19 year based upon a demonstration of compliance with planned  
20 variation program requirements.

21 (3) The department shall include in its annual report to the  
22 Legislature submitted pursuant to Sections 33405 and 52171.6 the  
23 number and nature of experimental bilingual and planned variation  
24 programs and progress of participating pupils.

25 (4) Nothing contained in this subdivision shall be construed to  
26 permit the operation of experimental bilingual and planned  
27 variation programs contrary to the purposes or intent of this article  
28 and other state or federal statutes and regulations promulgated for  
29 and on behalf of pupils of limited English proficiency. The primary  
30 goal of all ~~such~~ programs shall be to teach the pupil English.

31 (d) “Secondary level language development program” is a  
32 program in grades 7 to 12 ~~which~~ *that* provides a prescriptive  
33 English language program that systematically develops a pupil’s  
34 listening and speaking skills, knowledge of linguistic and  
35 grammatical structure leading to proficiency in reading and writing  
36 English. The prescriptive English language program shall be based  
37 on the diagnosis of a pupil’s language skills pursuant to Sections  
38 52164 and 52164.1 and shall be conducted as an integral  
39 instructional program of English curriculum for not less than one  
40 full period a day or its equivalent for the purpose of providing

1 pupils with minimum English language competencies pursuant to  
2 subdivision (e). The primary goal of ~~such~~ *the* programs shall be  
3 to teach pupils the English language.

4 In addition to the prescriptive English language program required  
5 by this subdivision, a secondary level language development  
6 program shall provide primary language instructional support to  
7 sustain academic achievement in nonelective content subject areas  
8 required for high school graduation consistent with current law.

9 Instruction in a secondary level language development program  
10 shall be provided either by a language development specialist, or  
11 by a certified bilingual-crosscultural teacher, who has received the  
12 recommendation of the local superintendent of schools verifying  
13 in writing that the teacher is competent and qualified to teach an  
14 English-as-a-second-language component, as measured by the  
15 district's personnel evaluation system.

16 School districts offering an instructional program pursuant to  
17 this subdivision shall not be required to provide a secondary level  
18 individual learning program, as defined in subdivision (e), but  
19 shall be required to maintain records documenting all parental  
20 notices and of the continuing evaluation of pupil needs and  
21 services.

22 A school district may make a secondary level language  
23 development program available to pupils enrolled in grade 6  
24 whenever that grade is maintained by the district in a middle school  
25 comprised of any of grades 6, 7, 8, or 9.

26 (e) "Secondary level individual learning program" is an  
27 individualized systematic program of instruction ~~which~~ *that* meets  
28 the needs of limited-English-proficient pupils and builds upon  
29 their language skills in order to develop proficiency in English.  
30 This program shall be offered in a manner consistent with the  
31 United States Supreme Court decision in Lau vs. Nichols (414  
32 U.S. 563), the Equal Education Opportunities Act of 1974 (20  
33 U.S.C. Sec. 1701 et seq.) and federal regulations promulgated  
34 pursuant to ~~such~~ *those* court decisions and federal statutes. The  
35 primary goal of ~~all such~~ *the* programs shall be to teach the pupil  
36 English.

37 (f) "Elementary level individual learning program" is any  
38 program of instruction for a pupil of limited English proficiency  
39 in which any one of the three program options described in  
40 subdivision (a), (b), or (c) is individualized to meet the needs of

1 the pupil of limited English proficiency and is offered in a manner  
2 consistent with the requirements of this article. ~~Such instruction~~  
3 *Instruction* shall be offered in a manner consistent with the United  
4 States Supreme Court decision in Lau v. Nichols (414 U.S. 563),  
5 the Equal Educational Opportunities Act of 1974 (20 U.S.C. Sec.  
6 1701 et seq.), and federal regulations promulgated pursuant to ~~such~~  
7 *those* court decisions and federal statutes. The primary goal of ~~all~~  
8 ~~such the~~ programs shall be to teach the pupil English.

9 (g) “Primary language” is a language other than English ~~which~~  
10 *that* is the language the pupil first learned or the language ~~which~~  
11 *that* is spoken in the pupil’s home.

12 (h) “Bilingual-crosscultural teacher” means a person who (1)  
13 holds a valid, regular California teaching credential and (2) holds  
14 either a bilingual-crosscultural certificate of proficiency or other  
15 credential in bilingual education authorized by the Commission  
16 ~~for Teacher Preparation and Licensing on Teacher Credentialing~~  
17 or a bilingual-crosscultural specialist credential. ~~Such a~~ *The* person  
18 shall be fluent in the primary language and familiar with the  
19 cultural heritage of limited-English-proficiency pupils in the  
20 bilingual classes he or she conducts. ~~Such a~~ *The* person shall have  
21 a professional demonstrated working knowledge of the  
22 methodologies ~~which that~~ are necessary to ~~educate~~ *educate*  
23 *educate* those pupils.

24 (i) “Bilingual-crosscultural teacher aide” means an aide fluent  
25 in both English and the primary language of the pupil or pupils of  
26 limited English proficiency in a bilingual-bicultural program. ~~Such~~  
27 ~~an~~ *The* aide shall be familiar with the cultural heritage of pupils  
28 of limited English proficiency in the bilingual classes to which he  
29 or she is assigned.

30 (j) ~~“Board”~~ “*State board*” means the State Board of Education.

31 (k) “Superintendent” means the Superintendent of Public  
32 Instruction.

33 (l) “Basic skills” means language arts, including, but not limited  
34 to, reading and writing, and mathematics.

35 (m) “Pupils of limited English proficiency” are pupils who do  
36 not have the clearly developed English language skills of  
37 comprehension, speaking, reading, and writing necessary to receive  
38 instruction only in English at a level substantially equivalent to  
39 pupils of the same age or grade whose primary language is English.  
40 The determination of which pupils are pupils of limited English

proficiency shall be made in accordance with the procedures specified in Sections 52164 and 52164.1. Pupils who have no proficiency in their primary language are not included within this definition.

(n) “Pupils of fluent English proficiency” are pupils whose English proficiency is comparable to that of the majority of pupils, of the same age or grade, whose primary language is English.

(o) “Department” means the *State* Department of Education.

CORRECTIONS:

Title—Page 1.

Text—Page 2.

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